ssm

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2347 OF 2007

Smt. Indu Ashok Sharma & Anr. ...Petitioners
Vs.
The State of Maharashtra & Ors. ...Respondents.

Mr. S.K. Chinchlikar for respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 18th July, 2007

P.C.

1. The petitioner has invoked the provisions of Article 226 and 227 of the Constitution of India in the matter of Section 13-B (2) of the Hindu Marriage Act-1955 which requires that for divorce by mutual consent the parties to wait for six months. The order of divorce can be passed on such application after expiry of 6 months from the date of presentation of the petition. Admittedly, the M.J.Petition No. 473 of 2006 was filed in Thane Court on 18/10/2006. Considering this factual aspect, the present petition became infructuous as 6 months period as contemplated under the said Act itself was over in the month of April/May 2007 itself. Therefore, without observing anything on merits of such application the present petition is dismissed, as infructuous.

(ANOOP V. MOHTA, J.)